UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/502,873	02/11/2000	Derek L Collison	TEKN004/01US	5804

7590	02/09/2005

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EXAMINER
HO, ANDY

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/502,873	COLLISON ET AL.
	Examiner	Art Unit	
	The Thanh Ho	2126	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 October 2004</u> .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-16,18-30,32-41 and 43-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-16,18-30,32-41 and 43-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)		4)☐ Interview Summary (PTO-413) Paper No(s). _____ .	
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5)☐ Notice of Informal Patent Application (PTO-152)	
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>7/19/04</u> .		6)☐ Other: .	

DETAILED ACTION

1. This action is in response to the amendment filed 10/6/2004.

2. Claims 1-5, 7-16, 18-30, 32-41 and 43-48 have been examined and are

pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-5, 7-10, 12-16, 18-21, 23, 26-30, 32-35, 37-41, 43-46 and 48 are

rejected under 35 U.S.C. 103(a) as being unpatentable over Skeen U.S Patent No.

5,557,798 in view of Pedersen U.S Patent No. 5,961,586.

As to claim 1, Skeen teaches a method having publisher application and

subscriber application (data producing and data consuming processes, lines 41-42

column 80) with identifiers (identified by the name, lines 27-28 column 4) in

communication over a communications path (data path, line 46 column 80) comprising:

publishing a message (subscription request, lines 52-53 column 80) over the

communication path without knowing the address of the subscriber application (no need

to receive any address or address related data, lines 10-25 column 81);

receiving the message (receive a subscription request, lines 52-53 column 80) at

the subscriber application;

registering a certified message subscription request for messages (register

subscription, line 3 column 95);

issuing notification at the publisher application of the registration request (the

producer service will be notified of the subscription, lines 18-21 column 28);

establishing a communications session (communication link be established, line

60 column 80) between the applications in which the publisher application

communicates subsequent messages (subsequent data messages, line 31 column 100)

to the subscriber application, monitors whether the subscriber has received message

(verifies that all packets have been received, line 47 column 5); waiting for an

acknowledgement of receipt of the subsequent message from the subscriber application

(when all packets have been successfully received, an acknowledgment message is

sent, lines 51-53 column 5) and resends the message (bad or missing packets are then

resent, line 51 column 5), establishing a certified message delivery session (lines 45-55

column 5). However, Skeen does not explicitly teach resending the message if not

receiving the acknowledgement of receipt from the subscriber application within a

defined time.

Pedersen teaches a client/server communication system (lines 3-16 column 2)

wherein the sender application resends the message if the acknowledgement of receipt

from the receiver application is not received within a defined time (the client sends a

message and waits for the server to respond and if the response is not within a

prescribed time interval, e.g. 5 seconds, the client resends the message, lines 54-58

column 5). It would have been obvious to apply the teachings of Pedersen to the

system of Skeen because this allows the receiver application to receive the message in

case the message gets lost or system failure.

As to claim 2, Skeen as modified further teaches the message type is identified

by the message content (data of the requested type, line 7 column 5) and the

subscription request is for messages of that content (access data on a specified subject,

line 54 column 80).

As to claim 3, Skeen as modified further teaches the subscriber application

registers the subscription request (register subscription, line 3 column 95).

As to claim 4, Skeen as modified further teaches a subject based addressing

method (subject-based addressing, lines 63 column 4).

As to claim 5, Skeen as modified further teaches the subscription request

identifies the subscriber application address (lines 1-4 column 90).

As to claim 7, Skeen as modified further teaches the subscriber application

requesting registration (line 65 column 94 to line 20 column 95), the publisher

application accepting the subscriber application registration request and registering the

subscriber application (register subscription, line 3 column 95).

As to claim 8, Skeen as modified further teaches the publisher application

notifying the subscriber application of registration (line 65 column 94 to line 20 column

95).

As to claim 9, Skeen as modified further teaches including a sequence number
in the message to the subscriber application (adds sequence numbers to packets, lines
45-46 column 5); deleting the message from a ledger of messages (flush the packets
out of the retransmit buffer, line 54 column 5) when the subscriber application
acknowledges receipt of the message (have been successfully received, line 52 column
5).

As to claim 10, Skeen as modified further teaches a plurality of subscriber
applications (one or more data consuming processes, line 31-32 column 91).

As to claims 12-16 and 18-21, they are system claims of claims 1-5 and 7-10,
respectively. Therefore, they are rejected for the same reasons as claims 1-5 and 7-10
above.

As to claim 23, it is a method claim of claims 1 and 9. Therefore, it is rejected
for the same reasons as claims 1 and 9 above.

As to claims 26-30 and 32-35, they are method claims of claims 1-5 and 7-10,
respectively. Therefore, they are rejected for the same reasons as claims 1-5 and 7-10
above.

As to claims 37-41 and 43-46, they are method claims of claims 1-5 and 7-10,
respectively. Therefore, they are rejected for the same reasons as claims 1-5 and 7-10
above.

As to claim 48, it is a method claim of claims 1 and 9-10. Therefore, it is
rejected for the same reasons as claims 1 and 9-10 above.

4. Claims 11, 22, 24-25, 36 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skeen in view of Pedersen, and further in view of Martino U.S Patent No. 5,680,551.

As to claim 11, Skeen as modified further teaches the publisher application does not need to know the existence of the subscriber application (no need to receive any address or address related data, lines 10-25 column 81). However, Skeen does not disclose queuing of messages. Martino teaches queuing of messages (queuing and routing messages, line 11 column 4), the individual ones of the n-subscriber applications (applications/processes, line 13 column 4) indicate their availability to another one of the n-subscriber applications (applications/processes, line 13 column 4) as a scheduler (communication agent, line 15 column 4); and the scheduler routes messages to subscriber applications (communicating the routed messages and data through a communication agent, lines 14-15 column 4) having appropriate availability. It would have been obvious to apply the teachings of Martino to the system of Skeen because this allows multiple communication facilities operate simultaneously whereas if one communication facility is failed, another communication facility can be picked up to continue the sending of information as disclosed by Martino (lines 1-42 column 3).

As to claim 22, it is a system claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

As to claim 24, it is a method claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

As to claim 25, it is a method claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

As to claim 36, it is a method claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

As to claim 47, it is a system claim of claim 11. Therefore, it is rejected for the same reasons as claim 11 above.

Response to Arguments

5. Applicant's arguments filed 10/6/2004 have been fully considered but they are not persuasive.

Applicant argued that Skeen does not teach registering the subscription request at the publisher application (Remarks, middle paragraph page 15). In response, Skeen clearly pointed out that the subscription request is registered at the computer having programs or service instances which publish the requested data (...sending a subscription registration message to register said subscription for said desired data with the one or more computers having in execution thereon said one or more data location and access programs which are coupled to said process(es) and/or service instances which publish said requested data..., lines 2-7 column 95). The reference meets the limitation as claimed.

Applicant argued that the subscription registration message of Skeen is different from the certified message subscription request in the patent application (Remarks, middle paragraph page 15, first complete paragraph page 16). In response, both of

these messages are subscription requests being sent to the publisher application. The detail of how the certified message subscription request in the patent application is different from the subscription registration message of Skeen is not claimed the claim language. Therefore, the reference meets the limitation as claimed.

Applicant argued that Skeen teaches establishing a communication session, not a certified communications session as claimed in the application (Remarks, last paragraph page 16). In response, the details of a certified communications session as claimed in the application are clearly addressed in the claim rejections above. Skeen teaches establishing a communications session (communication link be established, line 60 column 80) between the applications in which the publisher application communicates subsequent messages (subsequent data messages, line 31 column 100) to the subscriber application, monitors whether the subscriber has received message (verifies that all packets have been received, line 47 column 5); waiting for an acknowledgement of receipt of the subsequent message from the subscriber application (when all packets have been successfully received, an acknowledgment message is sent, lines 51-53 column 5) and resends the message (bad or missing packets are then resent, line 51 column 5), establishing a certified message delivery session (lines 45-55 column 5). However, Skeen does not explicitly teach resending the message if not receiving the acknowledgement of receipt from the subscriber application within a defined time. Pedersen teaches a client/server communication system (lines 3-16 column 2) wherein the sender application resends the message if the acknowledgement of receipt from the receiver application is not received within a defined time (the client

sends a message and waits for the server to respond and if the response is not within a prescribed time interval, e.g. 5 seconds, the client resends the message, lines 54-58 column 5). It would have been obvious to apply the teachings of Pedersen to the system of Skeen because this allows the receiver application to receive the message in case the message gets lost or system failure. The reference meets the limitation as claimed.

Applicant argued that Pedersen does not teach, "registering...publisher application" (Remarks, middle paragraph page 17). In response, Pedersen reference was not used to teach the limitations. Note the discussion of claim 1 above for the reasons of combining Skeen and Pedersen references.

Applicant argued that Skeen teaches labeling packets, not labeling messages as in the claims (Remarks, first complete paragraph page 18). In response, Skeen's packets are data packets, which are treated as messages (...as data packets come in from the network, they are passed up through the DCC library, service layer and information layer to the subscribing process. The service layer in some embodiments may filter the incoming messages by subject matter..., lines 20-25 column 38; ...the incoming message or packet will be passed to the appropriate protocol engine by some interprocess transfer mechanism such as shared memory..., lines 41-43 column 42). The reference meets the limitation as claimed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to The Thanh Ho whose telephone number is (571) 272-3762. A voice mail service is also available for this number. The examiner can normally be reached on Monday – Friday, 8:30 am – 5:00 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any response to this action should be mailed to:

Commissioner for Patents

P.O Box 1450

Alexandria, VA 22313-1450

Or fax to:

- AFTER-FINAL faxes must be signed and sent to (703) 872 - 9306.

- OFFICAL faxes must be signed and sent to (703) 872 - 9306.

- NON OFFICAL faxes should not be signed, please send to (571) 273 – 3762

TTH
January 26, 2005

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